



# California Regional Water Quality Control Board

## Santa Ana Region



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Arnold Schwarzenegger  
Governor

December 15, 2008

John Trommald  
Coral Cay Community Association  
13912 Seal Beach Boulevard  
Seal Beach, CA 90740

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE CORAL CAY COMMUNITY ASSOCIATION MARINA DREDGE AND DOCK REPLACEMENT PROJECT, CITY OF HUNTINGTON BEACH (ACOE REFERENCE NO. SPL – 2008 – 282 – DPS)**

Dear Mr. Trommald:

On September 11, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the proposed dredging of the Coral Cay Community Association Marina, in the City of Huntington Beach, and the replacement of the dock system. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan ("Basin Plan") for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

**Project Description:** Dredging approximately 3,000 cubic yards of sediment from the Coral Cay Community Association Marina to a depth of -8 feet Mean Lower Low Water (MLLW) within the slips and -5 feet MLLW in the dock areas. The dredged material will be dewatered on a vacant lot on the north side of Warner Avenue, east of the bridge over Huntington Harbour. The dredged material will be disposed of at either the Puente Hills or the Frank R. Bowerman landfill. In addition, the dock and gangway system will be replaced in-kind. The dredge site is located within Section 18 of Township 5 South, Range 11 West, of the U.S. Geological Survey *Seal Beach, California*, 7.5-minute topographic quadrangle map (33 deg. 42 min. 55 sec. N/ -118 deg. 03 min. 49 sec. W).

**Receiving water:** Huntington Harbour.

***California Environmental Protection Agency***



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Fill area: Not applicable.

Dredge/Fill volume: approximately 3,000 cubic yards (140 acres at the dredge site).

Federal permit: U.S. Army Corps of Engineers Permit No. SPL – 2008 – 282 – DPS.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level.

The project is subject to a Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Huntington Beach and the Executive Officer have determined that the proposed project is categorically exempt from provisions of CEQA according to Guidelines Section 15304(g) as the project involves maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.

**This 401 Certification is contingent upon the execution of the following conditions:**

1. The proposed discharge must not adversely affect recreational use of the receiving waters or cause a condition of nuisance as the result of controllable water quality factors. In the event of an adverse impact to recreation or a condition of nuisance, the discharger must take corrective action, which may include the modification or the suspension of discharges.
2. The discharger must survey the project area for *Caulerpa taxifolia*, an invasive marine seaweed, to help locate and prevent its spread using generally accepted protocols. If *Caulerpa taxifolia* is found prior to, or during implementation of the project, the applicant must not begin or continue at that location until authorized by Regional Board staff. If the invasive seaweed is discovered, it is not to be disturbed, and the Regional Board must be notified within 48-hours of the location and date of the discovery. In addition, any sightings of *Caulerpa taxifolia* must be reported to the California Department of Fish and Game (William Paznokas at (858) 467-4218 ([wpaznokas@dfg.ca.gov](mailto:wpaznokas@dfg.ca.gov))) or the National Marine Fisheries Service (Robert Hoffman at (562) 980-4043 ([bob.hoffman@noaa.gov](mailto:bob.hoffman@noaa.gov))) within 24-hours of discovery. Further information regarding a *Caulerpa taxifolia* sighting can be obtained at



www.sccat.net. Should no *Caulerpa* be observed during the project, the applicant must notify the Regional Board of this fact when all construction has been completed. Please contact Wanda Cross of this office at (951) 782-4468 concerning issues related to *Caulerpa taxifolia*.

3. The discharge of trash and debris into waters of the U.S., which may cause a nuisance or adversely affects beneficial uses, is prohibited.
4. Project activities must not depress the dissolved oxygen content of receiving waters below 5 mg/L as a result of controllable water quality factors. When natural dissolved oxygen content is less than 5 mg/L, the discharger must not cause further depression.
5. Project activities must not raise the pH of receiving waters above 8.6 or lower pH below 7.0 as the result of controllable water quality factors; ambient pH levels must not be changed by more than 0.2 units.
6. Project-related activities shall not cause the background natural turbidity, as measured in Nephelometric Turbidity Units (NTUs), in receiving waters to be increased by values greater than the following Basin Plan objectives at a distance of 100 feet from the activity:
  - a. If natural turbidity is between 0 and 50 NTU, the maximum increase shall not exceed 20% of the measured natural turbidity.
  - b. If natural turbidity is 50 to 100 NTU, the increase shall not exceed 10 NTU.
  - c. If natural turbidity is greater than 100 NTU, the maximum increase shall not exceed 10% of the measured natural turbidity.
7. An effective monitoring plan must be developed and implemented to document compliance with conditions 4, 5, and 6 above. Any violation or suspected violation of these conditions must be reported to Regional Board staff in writing within 24-hours of discovery. The monitoring plan and records of monitoring activities must be maintained on site for the duration of the proposed discharge and be available for inspection by Regional Board staff.
8. Prior to the disposal of any dredge spoils in the Los Angeles Region, the applicant must contact Rod Nelson, of the Los Angeles Regional Water Quality Control Board, at (213) 620-6119.
9. Within 30-days of completion of dredging activities, the applicant must provide a report to the Executive Officer stating the amount(s) and location(s) where the dredge spoils were disposed of. The completeness and accuracy of the report must be certified, under penalty of perjury, by a responsible official of the Coral Cay Community Association.
10. The applicant must comply with the requirements of the Clean Water Act section 404 permit.

**Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:**



- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:



December 15, 2008

[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,

*K. J. Thibault*

For GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Dan Swenson  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ-Water Quality Certification Unit –  
Bill Orme  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini  
and David Smith  
Los Angeles Regional Water Quality Control Board – Rod Nelson

APF:401/certifications/coral cay marina dredge 302008-26

